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INT. REC'D PCTO 22 MAR 2006

267.193

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Eduardo Trifoni, et al.  
Serial No.: 10/550,123  
Filed: September 19, 2005  
For: METHOD... GENERATOR

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1185 Avenue of the Americas  
New York, N.Y. 10036  
March 22, 2006

**PETITION UNDER RULE 47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Assignee of the above-identified application, Nuvera Fuel Cells Europe S.r.l. petitions the Commissioner of Patents and Trademarks to accept the filing of the above application under the provisions of Rule 47(a) since the inventors, Eduardo Trifoni and Matteo Lenardon have refused to execute the application. Filed herewith are the declaration and assignment executed by the other inventors.

As can be seen from Ms. Tuosto's declaration, she e-mailed Mr. Trifoni on December 21, 2005 asking him to execute documents for this application. He e-mailed that his position had not changed from his position as that in U.S. Patent application Serial No. 10/517,982.

Anna Tuosto on December 21, 2005 mailed the declaration and assignment to Matteo Lenardon for execution, a copy of which is enclosed. To date, he has never returned the executed documents.


Mr. Eduardo Trifoni and Matteo Lenardon executed on March 6, 2003 after leaving Nuvera Fuel Cells Europe S.r.l. an authorization to file before WIPO the PCT application designating all of the countries including the United States, a copy of which is enclosed herewith. The two inventors were employees of Nuvera Fuel Cells Europe S.r.l. at the time of filing the Italian priority application on April 1, 2003 and their employment and affiliation with Nuvera Fuel cells Europe S.r.l. had been terminated. However, in accordance with the Italian law, the rights of an employee/inventor belong to his employer and accordingly, all rights of said inventors in the invention described and claimed in the international application belong to Nuvera Fuel Cells Europe S.r.l..

It is requested that the Patent Office accept the present application based on the above situation without the signature of Matteo Lenardon and Eduardo Trifoni. Applicants are submitting herewith PTO Form-2038 authorizing the \$130.00 petition fee, the \$130 completion fee and the \$40 recording fee. The assignee will lose valuable

The PTO did not receive the following listed item(s) <u>NO check OK</u> <u>Credit CARD</u> <u>5</u>
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patent rights if the petition is not accepted. Therefore, granting of the acceptance of the application under the provisions of Rule 47(a) is requested.

Respectfully submitted,  
Hedman and Costigan

  
Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

CAM:mlp  
Enclosures



"EXPRESS MAIL" Mailing Label Number: ED 556768044 US

Date of Deposit: March 22, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" Service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Marie-Louise Pinset  
Marie-Louise Pinset



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**DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Anna Tuosto hereby deposes and says:

That she is the head of the Patent department for the assignee of the above application,  
Nuvera Fuel Cells Europe S.r.l.

That Eduardo Trifoni and Matteo Lenardon are no longer employed by the assignee  
and have refused to execute the declaration and assignment for the above application as well as  
application Serial No. 10/517,982 filed December 13, 2004.

That Ms. Tuosto sent the above application, declaration and assignment to Mr.  
Lenardon by registered mail on December 21, 2005 as can be seen from the copy thereof but he  
has refused to sign.

Ms. Tuosto sent an e-mail to Eduardo Trifoni asking him to sign documents relating to the application as this was the only address he had and his e-mail reply was "my position as concerning the assignment did not change with respect to my last letter. A copy of the e-mail is filed herewith and a copy of the last letter and English translation referred to by Mr. Trifoni filed herewith as well as in Serial No. 10/517,982.

That Eduardo Trifoni and Matteo Lenardon were employees of Nuvera Fuel Cells Europe S.r.l. at the time of filing the Italian priority application on April 23, 2002 and their employment and affiliation with Nuvera Fuel Europe S.r.l. had been terminated.

That in accordance with Italian law (Article 64, first paragraph, of DL 10/02/2005) the rights of an employee/inventor belong to his employer, and accordingly all rights of said inventors in the invention described and claimed in the international application belong to Nuvera Fuel Cells Europe S.r.l.

That on the basis of Italian law, Nuvera Fuel Cells Europe S.r.l. is the true and rightful owner of all rights in the above-identified international patent application, including the rights of all inventors, and may properly be identified as the applicant and owner in any national entry for the United States.

I hereby declare that all statements made herein of own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Anna Tuosto  
Anna Tuosto

Dated: March 7, 2006

Registered Mail

Matteo Lenardon  
Via Unione 2  
22074 LOMAZZO (CO)

21<sup>st</sup> December 2005

Dear Matteo

I do not know whether you intend to sign the document for the validation abroad of the international application – our ref. 216 – which I send you herewith enclosed. The documents are necessary for the extension to USA and Canada (you already signed the documents for filing the international application).

For any doubt, please call me.

Best regards

Anna Tuosto



Raccomandata R.R.

Matteo Lenardon  
Via Unione 2  
22074 LOMAZZO (CO)

21 Dicembre 2005

Caro Matteo

Non so se hai intenzione di firmare i documenti per il la convalida all'estero della domanda internazionale – ns. rif. 216 – che ti mando in copia. I documenti sono per l'estensione negli USA, e Canada (avevi già firmato i documenti per la domanda internazionale).

Per qualsiasi dubbio, chiamami pure.

Affettuosi saluti

Anna Tuosto

☐ Raccomandata      ☐ Pacco  
☐ Assicurata      Euro \_\_\_\_\_

Numero											

Destinatario MATTEO LENARDON

Via BISTOL 35

CAP 20135 Località MILANO

Victor Granger

**Firma per esteso del ricevente**  
(Nome e Cognome)

## Data

Firma dell'incaricato alla distribuzione/

**Bollo dell'ufficio  
di distribuzione**

☐ Consegna effettuata ai sensi dell'art. 33 D.M. 9.4.01:

- Invii multipli ad un unico destinatario
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